

ENTERED

April 16, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JEFFERSON MILLS CHRISTIAN,

Plaintiff,

v.

FORT BEND COUNTY DISTRICT
ATTORNEY, *et al.*,

Defendants.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. H-17-3812

MEMORANDUM AND ORDER

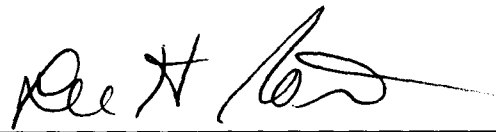
The plaintiff, Jefferson Mills Christian, filed this § 1983 lawsuit against the Fort Bend County District Attorney and the Fort Bend County Sheriff while in custody of the Fort Bend County Jail. On December 28, 2017, the court granted Christian leave to proceed without prepaying the \$350.00 filing fee for indigent litigants. Subsequently, Christian notified the court that he had been released from custody.

On February 6, 2018, the court notified Christian that his release from custody did not excuse his compliance with the filing-fee requirement and ordered him to pay the filing fee by submitting monthly installments in the amount of \$25.00, until the entire \$350.00 filing fee is satisfied. (Docket Entry No. 7). His first monthly installment was due no later than the last day of February 2018. *Id.* That order expressly warned Christian that his failure to comply as directed would result in dismissal of this action for want of prosecution under Rule 41(b) of the Federal Rules of Civil Procedure. Christian has neither responded to the court's order nor otherwise complied. Christian's failure supports dismissal for want of prosecution. *See* FED. R. CIV. P. 41(b); *see also Slack v. McDaniel*, 529 U.S. 473, 489 (2000) ("[t]he failure to comply with an order of the court is grounds for dismissal

with prejudice”); *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998) (a district court may, on its own motion, dismiss an action for failure to prosecute or to comply with any court order). Christian may seek relief from this order if he properly shows grounds, which at a minimum includes full compliance with the court’s previous orders. *See* FED. R. CIV. P. 60(b).

This action is dismissed without prejudice for want of prosecution.

SIGNED on April 13, 2018, at Houston, Texas.

A handwritten signature in black ink, appearing to read 'Lee H. Rosenthal', is written over a horizontal line.

Lee H. Rosenthal
Chief United States District Judge